

# BLANKROME

300 Carnegie Center | Suite 220 | Princeton, NJ 08540

A Pennsylvania LLP | Stephen M. Orlofsky, New Jersey Administrative Partner

blankrome.com

**Phone:** (609) 750-2646

**Fax:** (609) 897-7286

**Email:** orlofsky@blankrome.com

April 12, 2018

## VIA ECF

Hon. Michael A. Hammer, U.S.M.J.  
U.S. District Court for the District of New Jersey  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: Merck & Co., Inc. et al. v. Merck KGaA**  
**Civil Action No. 16-0266 (ES) (MAH)**

Dear Judge Hammer:

We, along with Debevoise & Plimpton LLP, represent Defendant Merck KGaA (“Defendant”) in the above-referenced matter. We submit this letter jointly with Sidley Austin LLP and McCarter & English, LLP, counsel for Plaintiffs Merck & Co., Inc. and Merck Sharp & Dohme Corp. (“Plaintiffs”).

The parties submit this joint letter to request a one month extension of the current discovery schedule. The parties have been working diligently to narrow and resolve their discovery disputes and have made significant progress. However, unresolved disputes remain and are the subject of ongoing meet-and-confer discussions. Postponing the current April 12 deadline for raising fact discovery disputes is likely to reduce the need for judicial resolution of those issues. The parties are also in the process of conducting depositions, but witness availability has pushed certain deposition dates into June. Extending the current discovery deadlines by a month should give the parties sufficient time to complete outstanding depositions.

For these reasons, the parties jointly request that the Court order the below discovery schedule. For the Court’s reference, the parties’ have listed the Court-ordered deadlines currently in place, as set forth in the Court’s orders of February 7 (Dkt No. 88), February 26 (Dkt No. 89) and February 27 (Dkt No. 90).

# BLANKROME

April 12, 2018

Page 2

Event	Current Deadline	Requested Deadline
Raise all written discovery disputes	April 12, 2018	May 10, 2018
Status Conference	April 23, 2018	May 28, 2018 or at the Court's convenience
Complete all fact discovery	May 28, 2018	June 25, 2018
Deliver Plaintiffs' affirmative expert reports	June 26, 2018	July 24, 2018
Deliver Defendant's affirmative and rebuttal expert reports	August 21, 2018	September 18, 2018
Deliver Plaintiffs' rebuttal and reply expert reports	September 10, 2018	October 8, 2018
Complete all expert discovery	October 18, 2018	November 15, 2018

Thank you for your consideration.

Respectfully submitted,

*s/Stephen M. Orlofsky*

STEPHEN M. ORLOFSKY

SMO:

cc: Counsel of Record (via email)

SO ORDERED on this 13<sup>th</sup> day of April 2018:



HON. MICHAEL A HAMMER  
United States Magistrate Judge